

IN THE SENATE OF THE UNITED STATES.

MARCH 24, 1880.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1109.]

The Committee on Claims, to whom was referred the bill (S. 1109) for the relief of Anthony Lawson, have duly considered the same, and submit the following report:

This bill directs the payment to Anthony Lawson of \$6,500, in full compensation for personal property belonging to him, and taken and used by United States troops during the late war. No evidence or papers accompanied the bill.

Your committee referred the bill to the Secretary of the Treasury and to the Secretary of War, and received from the Secretary of the Treasury all the original papers in the claim as presented to the Quartermaster-General by Russell G. Trump, as agent for A. Lawson, for \$6,500. This claim is as follows:

The United States to Russell G. Trump, agent for A. Lawson:

Spring of 1862, for 150 tons of timothy hay, at \$20 per ton	\$3,000 00
Spring of 1862, 800 bushels of corn, at \$1 per bushel	800 00
Summer of 1862, 100 tons of hay, at \$12 per ton	1,200 00
Summer of 1862, 1,500 bushels of oats, at 50 cents per bushel	750 00
Summer of 1862, 150 bushels of wheat, at \$2 per bushel	300 00
Summer of 1862, 3 horses, at \$150 a piece	450 00
	<hr/> 6,500 00

Said claim is accompanied by the affidavits of said Trump (agent for A. Lawson) and Cyrus Snuffer and Jacob Sanders, sworn to July 15, 1873; is under the act of July 4, 1864, and was probably filed in the Quartermaster's Department August 25, 1873. October 7, 1873, the claim was referred to the depot quartermaster at Washington, D. C., for investigation and report, and on May 16, 1875, Mr. Delaney, quartermaster's agent, made a report to the depot quartermaster at Washington, D. C., in which he stated that he examined the said agent, Trump, and the said witnesses, Sanders and Snuffer, and took additional affidavits from them, and returned the same with his report. Said Jacob Sanders, in his amended affidavit of April 21, 1875, says, "I make this statement to correct the misstatements made in my alleged affidavit of July 15, 1873, and never to make any different statement; neither was the other affidavit read to me or signed by me." He makes his mark to each affidavit. The agent in his report says that said Sanders is a bright mulatto, and very intelligent and upright, and his reputation for truth

and integrity is as fair as any man's in the community. Said agent further reports that the records showed that A. Lawson owned one of the largest and finest farms in the county, and that "Mr. Lawson is a wealthy English gentleman, and resides upon his plantation in Burke's Garden, in Tazewell County, Virginia. I have been unable to see him, but I have inquired of every person in this neighborhood and in the neighborhood of his farm, in this county, as to his loyalty, and I can get no satisfactory evidence about it. The general reply is that they know nothing about him." The agent further reports that Mr. Trump is an outspoken, blunt man, and has the reputation of being very reliable in every way, and states that he was a Confederate soldier, and that A. Lawson earnestly begged him not to go into the Confederate army.

The claim was subsequently referred to another quartermaster's agent named A. B. Burr, who made a report under date of May 27, 1876. The affidavit of Mr. Trump of April 23, 1875, states that his affidavit, made July 15, 1873, was by Black & Logie improperly written out and incorrectly read to him, and that he was thereby induced to believe, and did believe, that said affidavit was written as he had directed, and now states, in explanation, the facts to be correct in said affidavit, except that he did not see the articles taken; that they were on the farm when he left it and when he returned they were gone, and he was informed they were taken by the Army, but knows nothing of the taking of his own personal knowledge. Garner Calloway and James Hutchinson, under date of April 23, 1875, swear that they were personally acquainted with A. Lawson during the rebellion and for several years previous, and that he was an unconditional Union man and strictly loyal. The agent, Burr, states that he made a thorough investigation of the citizenship and loyalty of the claimant, Lawson, and gives the substance of the evidence of the witnesses already named and of others whom he examined. He states that Judge Ward, judge of that circuit, and a citizen of Logan County, says there is no doubt of the citizenship of Lawson; that Lawson's father and mother came to this country from England bringing with them three children, the youngest, a babe in the arms, was the claimant, with whom he has been intimately connected since 1829, and the claimant has lived in this county all his life; has voted and held several county offices in Logan County which required him to take an oath to support the Constitution of the United States, and that Lawson "opposed the ordinance of secession, but afterwards moved into Tazewell County, Virginia, where he espoused the cause of the South and sympathized with it. He then made his home in Wytheville, Wythe County, Va., where he now resides, and has never been a citizen of West Virginia, though owning a large amount of real estate" in several counties in said State. He also quotes the information of John Williams, one of the oldest citizens of Raleigh County, to the same effect, and of Edward Prince, a citizen of the same county, to the same effect; also, that of John Beckley, clerk of the circuit court of Raleigh County, and that of William Prince to the same effect.

It is seen from the foregoing that, aside from the questions of the value of the property and the taking of the same by the Army for army purposes, two questions present themselves for determination. The first is the question of the citizenship of Mr. Lawson. In regard to this question the evidence shows that Mr. Lawson was a mere babe when his parents emigrated from England to the United States, and were therefore alien subjects at the time of his birth in a foreign country. There is no evidence as to whether his parents ever declared their intention of becoming citizens of the United States, or were naturalized

here during the minority of said A. Lawson. Under the circumstances your committee do not deem it necessary to pass on the question of citizenship, and therefore waive it. Loyalty, under the law, is a condition precedent to the right of recovery in this case. This claim originated in the spring and summer of 1862, nearly 18 years ago. It was presented to the Quartermaster-General in 1873, nearly 7 years ago, not by the claimant in person but by an agent, and was pending under investigation in the Quartermaster's Department for years, and the questions of citizenship and loyalty were being investigated and were directly in issue, and two special agents were sent at different times to the locality where the claim originated, and all the evidence then obtainable purports to have been taken, and yet Mr. Lawson is wholly silent and makes no affidavit or statement either as to his citizenship or loyalty, and, residing in another State and a gentleman of very large wealth, fails, neglects, or refuses to furnish any evidence from his neighbors and associates in the vicinity of his residence as to his loyalty. The evidence on this question is, to say the least, conflicting. The gentlemen who testify as to his loyalty do not state the sources of their information, and are residents in the neighborhood of his farm in West Virginia, while he was a resident of a county in an adjoining State, and they do not state that they were personally associated with him during the war. The mere fact that he opposed the ordinance of secession is not sufficient of itself to establish his loyalty. There are, doubtless, thousands of instances where gentlemen who voted against and opposed the ordinance of secession afterwards actively participated in the rebellion and contributed of their substance for its maintenance. Without therefore passing upon the questions of the value of the property, or of its taking for and use by the Army, your committee are constrained to report adversely upon this claim and recommend that said bill be indefinitely postponed.

